

HOUSE BILL REPORT

ESHB 2951

As Passed Legislature

Title: An act relating to a firearms training certificate program for retired law enforcement officers.

Brief Description: Creating a firearms training certificate program for retired law enforcement officers.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Campbell, Morrell, McCune and Green).

Brief History:

Committee Activity:

Judiciary: 2/1/06, 2/2/06 [DPS].

Floor Activity:

Passed House: 2/13/06, 98-0.

Passed Senate: 3/2/06, 44-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Creates a process for issuing firearms certificates to retired law enforcement officers.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

In 2004, Congress enacted the Law Enforcement Officers Safety Act which authorizes qualified law enforcement officers, and qualified retired law enforcement officers, to carry a concealed firearm in any state under certain conditions. The federal act specifically preempts conflicting state laws, except those state laws that: (1) allow private persons or entities to restrict concealed firearms on their property; or (2) restrict the possession of firearms on government property.

With respect to retired law enforcement officers, the federal law states that a "qualified retired law enforcement officer" may carry a concealed weapon in any state if the retired officer meets certain criteria and carries both a photographic identification issued by the agency from which the officer retired and a firearms certification issued by the state in which the retired officer resides.

The state firearms certification must indicate that the retired officer has been found by the state to meet the state's standards for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. This certification is effective for one year.

A "qualified retired law enforcement officer" under the federal act is an individual who:

- retired in good standing from a public agency as a law enforcement officer, other than for reasons of mental instability;
- before retirement was authorized to engage in the prevention, detection, and investigation of any person for a violation of law;
- was either regularly employed as a law enforcement officer for 15 or more years, or retired from service due to a service-connected disability;
- has a vested right to benefits under the agency's retirement plan;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by federal law from receiving a firearm.

Under Washington law, generally a person may carry a concealed pistol only if the person has a concealed pistol license. To obtain a Washington concealed pistol license, a person must apply to a local law enforcement agency, pay a fee, and undergo a state and federal criminal history background check, including a fingerprint check. In addition, certain qualifications must be met before a person may be issued a concealed pistol license.

There are a number of exemptions from Washington's concealed pistol license requirements. One of these exemptions applies to retired law enforcement officers who retired for service or disabilities (other than mental or stress-related) from a Washington law enforcement agency. In order to qualify for this exemption, the retired officer must have documentation from a Washington law enforcement agency that he or she retired for service or physical disability. A retired officer is not eligible for the exemption if he or she has committed a crime making him or her ineligible for a concealed pistol license.

Summary of Engrossed Substitute Bill:

A process is created for issuing firearms certificates to Washington residents who are qualified retired law enforcement officers in order to satisfy the certification requirements contained in the federal Law Enforcement Officers Safety Act of 2004.

The Washington Association of Sheriffs and Police Chiefs must develop a firearms certificate form to be used by local law enforcement agencies when issuing firearms certificates to retired law enforcement officers.

A retired law enforcement officer may apply to a local law enforcement agency for a firearms certificate. The law enforcement agency may issue the certificate to the retired officer if the retired officer: (1) has been qualified or otherwise found to meet the standards established by the Criminal Justice Training Commission for firearms qualifications for active law enforcement officers in the state; and (2) has undergone a background check and is not ineligible to possess a firearm. The firearms qualification may be provided either by the local law enforcement agency or by an individual or entity certified to provide firearms training.

The firearms certificate is valid for a period of one year. An applicant for the firearms certificate must pay a fee of \$36, plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. The fee is distributed in the same manner as the fee for a concealed pistol license under RCW 9.41.070. The retired law enforcement officer is also responsible for paying the costs of the firearms qualification.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This is a very important bill to retired law enforcement officers. The federal law allows retired officers who meet certain standards to carry their firearms interstate while they travel. Washington needs to come up with guidelines for us to comply with the federal law. The Criminal Justice Training Commission (Commission) already takes care of firearms qualifications for other groups, such as security guards, private investigators, and bail recovery agents. This bill just adds one more group to their current duties. The bill brings the state into compliance with federal law. The bill will cost the state nothing and will enhance the number of police officers on the street.

Testimony Against: (Original bill) It is appropriate for retired law enforcement officers to be able to carry their firearms throughout the country. The concern with the bill is the burden it will impose on the Commission. This bill does much more than require the Commission to qualify the retired officers. It also requires them to conduct background checks, hold the records, and verify whether the officer is eligible to possess a weapon. In addition there is a question about whether it creates a risk of exposure to the state. The Washington Association of Sheriffs and Police Chiefs has formed a firearms committee to address this issue and will very soon have a draft policy that does not include the Commission, and instead allows the private sector to qualify retired officers in accordance with Basic Law Enforcement Academy standards.

Persons Testifying: (In support of original bill) Representative Campbell, prime sponsor; John Solheim; Gene Hussoy; and Rex Baker.

(Opposed to original bill) Scott Smith, Mount Lake Terrace Police Department; and Michael Parson, Training Commission.

Persons Signed In To Testify But Not Testifying: None.